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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,878	03/16/2005	Georg Halasy-Wimmer	PC10535US	2047
23122	7590	06/12/2007	EXAMINER	
RATNERPRESTIA			SY, MARIANO ONG	
P O BOX 980			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,878	Applicant(s) HALASY-WIMMER ET AL.	
	Examiner Mariano Sy	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-62 is/are pending in the application.
- 4a) Of the above claim(s) 33-43, 45-52 and 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32, 44, 53-59, 61 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/16/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of Specie G, Figures 7 and 8a-8e, claims 32, 44, and 53-62 in the reply filed on March 19, 2007 is acknowledged. Claim 60 is withdrawn due to its dependency of withdrawn claim 33.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

3. The disclosure is objected to because of the following informalities:

page 10, line 3 "a plate 12" should be --a plate 13--.

Appropriate correction is required.

4. Claims 54, 56, and 59 are objected to because of the following informalities:

Claim 54, line 3 "the armature" should be --an armature--,

Claim 56, line 2 "the slide" should be --a slide--,

Claim 56, line 2 "the coil" should be --a coil--,

Claim 56, line 3 "the coil" should be --a coil--,

Claim 59, line 1 "the piezoelectric actuator" should be --the at least one piezoelectric actuator--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 44-46, 48, 54-58, 61, and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 44 recites the limitation "which piston" in line 3. It is indefinite and unclear if it is brake piston or accumulator piston Applicants are referring to.

Claim 44 recites the limitation "they are disengaged" in line 5. It is indefinite and unclear as to Applicants are conveying.

Claim 54 recites the limitation "whose coil" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 56 recites the limitation "whose armatures" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 57 recites the limitation "unless they fulfill" in line 2. It is indefinite and unclear what Applicants are conveying.

Claim 58 recites the limitation "its position" in line 2. It is indefinite and unclear what Applicants are conveying.

Claim 61 recites the limitation "the hydraulic pressure chamber" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 61 recites the limitation "the accumulator pressure chamber" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 62 recites the limitation "the hydraulic pressure chamber" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 62 recites the limitation "the accumulator pressure chamber" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 32, 44, 53, 61, and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US 4,014,414).

Re-claims 32, 44, 61, and 62 Yamamoto et al. disclosed, as shown in fig. 1-3, a hydraulic vehicle brake equipped with a parking brake device, including a brake housing, a hydraulic service pressure chamber, a brake piston 34, a locking device 40, 42, and an energy accumulator 60 cooperating with the brake piston being equipped with a spring element 152, wherein the parking brake device is operable by a pressure (inlet 74) that is introduced into the service pressure chamber and enables charging the energy accumulator.

Re-claim 53, see fig. 1, an arresting unit 76.

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9. Claims 54-59 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Girvan	(US 3,547,233)
Burnett	(US 3,633,715)
Burnett	(US 3,661,230)
Yamamoto	(US 3,944,027)
Ogawa et al.	(US 4,030,577)
Shirey	(US 4,215,767)
Koshino et al.	(US 4,548,301)
Stringer, III et al.	(US 5,921,356)
Giers	(US 2006/0220447)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon C. Kramer, can be reached on 571-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MS M. Sy

May 29, 2007

DEVON C. KRAMER
PATENT EXAMINER

Devon Kramer
6/8/07